



LAPORTE COUNTY BOARD OF ZONING APPEALS

Government Complex 5th Level
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ANNEMARIE POLAN
Building Commissioner

July 21st, 2020

Dear Members:

The regular meeting of the La Porte County Board of Zoning Appeals was held Tuesday, **July 21st, 2020, at 6:00 p.m.** in the Assembly Room of the County Complex.

MEMBERS PRESENT: Dwayne Hogan Earl Cunningham
 Greg Szybala Glen Minich

PRESENT: Annemarie Polan, Recording Secretary, Attorney Doug Biege; Ashley
 Kazmucha, Secretary

The Pledge of Allegiance.

APPROVAL OF MINUTES:

Dwayne Hogan asked for approval of the meeting minutes of June 16th, 2020.

Glen Minich made a motion to approve the meeting minutes of June 16th, 2020 as presented.

Earl Cunningham seconded.

All Approved. Motion carries 4-0.

Petitions:

1. Petition for Variance of Developmental Standards for Jayson Hull represented by Andrew Voeltz of Howes & Howes, LLP for construction of a four hundred and fifty square foot (450 ft.²) addition to the existing home resulting in a rear setback of nine feet (9') instead of the minimum twenty-five feet (25'). The property is located at 102 Island Dr., Laporte, IN., Center Twp., zoned R1B. Parcel 46-06-27-151-001.000-042.

Attorney Biege stated notice is adequate.

Andrew Voeltz stated he is representing Jayson Hull as the deed owner of the property located at 102 Island Drive.

Andrew Voeltz stated the homeowner is requesting a variance of developmental standards to allow for the addition of a two-story, four-hundred and fifty square foot (450²) addition to the existing home which will result in the rear setback being nine feet (9') instead of the minimum required twenty-five feet (25'). Notice has been sent out to all adjacent landowners. They ask that the Board grant this petition to allow the construction of the addition to the property.

No remonstrators present.

Earl Cunningham stated it should be noted that there was an elevation certificate in the packet.

Earl Cunningham made a motion to approve the Petition for Variance of Developmental Standards for Jayson Hull represented by Andrew Voeltz of Howes & Howes, LLP for construction of a four hundred and fifty square foot (450 ft.²) addition to the existing home resulting in a rear setback of nine feet (9') instead of the minimum twenty-five feet (25'). The property is located at 102 Island Dr., Laporte, IN., Center Twp., zoned R1B.

Greg Szybala seconded.

All Approved. Motion carries 4-0.

2. Petition for Review and Continued Approval of Prior Special Exception and Use Variances for County Information Services, LLC and Theresa E and Sharon T Hagenow to conduct investigational research of high frequency signals within two (2) miles of an existing tower. Original variance granted January 19, 2016. The property is located at 8399 W. 1050 S., Wanatah, IN., Clinton Twp., zoned A on 160 acres. Parcel 46-13-27-200-001.000-044.

Attorney Biege stated notice is adequate.

Michael Knight stated he is with Barnes and Thornburg located at 100 N. Michigan Ave., South Bend, IN. Larry Whitlow of County Information Services is also present.

Michael Knight stated County Information Services (CIS) is wholly owned project entity of Optiver. Optiver transacts financial instruments such as stocks, futures, and options. CIS already has petitioned for building and operating on the site. They are currently operating on the site in Wanatah. They have been operating since November 2017. Testing is still continuing on information relay. They would like to petition the Board in making the variance permanent. Last time the Board met in January of 2016, a special exception and use variance was granted, but the granting was conditioned in the findings for a post-operative study, which has been submitted with the petition, regarding health, safety, and use of the towers. That was submitted within ninety (90) days of operation. In the last granting, they were limited to five (5) years so they are re-petitioning the Board. Included with the petition are the previous findings of fact, the previous petition, the ninety (90) day study indicating all health and safety matters are within tolerance, and their renewed license from the FCC. In the meantime, they have had no complaints from any residents. There have been no complaints from the FCC. Their signs have been posted as

requested by the Board. They are asking to make the variances permanent so they may continue running their tests.

No remonstrators present.

Attorney Biege stated that if the Board grants the special exception to make it effective so long as the license is issued.

Glen Minich made a motion to approve the Petition for Review and Continued Approval of Prior Special Exception and Use Variances for County Information Services, LLC and Theresa E and Sharon T Hagenow to conduct investigational research of high frequency signals within two (2) miles of an existing tower for as long as the license is continued and valid. The property is located at 8399 W. 1050 S., Wanatah, IN., Clinton Twp., zoned A on 160 acres.

Greg Szybala seconded.

All Approved. Motion carries 4-0.

3. Petition for Variance of Developmental Standards for Donald and Cornelia

Satoski to take footage from two existing parcels to create a third new parcel. 4962 W. Sand Rd, will have 34.26' donated and have 165.74' of road frontage remaining. 4998 W. Sand Rd. will have 165.74' donated with 61.06' of road frontage remaining. The new parcel will have 200' of road frontage with two (2) acres. The properties are located at 4962 and 4998 W. Sand Rd., Union Mills, IN., Noble Twp., zoned A on 2 acres. Parcel 46-09-19-100-039.000-027.

Attorney Biege stated notice is adequate and the petitioner supplied a signed letter of support from every adjacent land owner.

Donald Satoski stated his address is 4998 W. Sand Rd., Union Mills, IN.

Donald Satoski stated he wants to divide two acres out of the property in front of his house so his son, daughter-in-law, and new grandson can build a house. They want the new parcel to be up to county standards which is how this plan was developed. Some frontage from the existing rental property will be donated leaving it with one-hundred and sixty-five feet (165') which is similar to lots nearby with the same frontage. His home parcel will have sixty-five feet of frontage for his driveway which then opens up into the sixty-five (65) acre sand pit where his home is. He would like to divide it out so his grandson can live right there by him.

No remonstrators present.

Earl Cunningham made a motion to approve the Petition for Variance of Developmental Standards for Donald and Cornelia Satoski to take footage from two existing parcels to create a third new parcel. 4962 W. Sand Rd, will have 34.26' donated and have 165.74' of road frontage remaining. 4998 W. Sand Rd. will have 165.74' donated with 61.06' of road frontage remaining.

The new parcel will have 200' of road frontage with two (2) acres. The properties are located at 4962 and 4998 W. Sand Rd., Union Mills, IN., Noble Twp., zoned A on 2 acres.

Glen Minich seconded.

All Approved. Motion carries 4-0.

4. Petition for Variance of Use and Special Exception for Curtis Szezesniak (owner) and Charles W. Russell, Jr. (tenant) to operate a used car lot and to place an office trailer indefinitely. The property is located south of 3437 S. Hwy 421, Westville, IN., New Durham Twp., zoned B2 on 6.3263 acres. Parcel 46-09-21-100-014-000-027.

Attorney Biege stated notice is adequate.

Curtis Szezesniak stated his address is 601 E. Valparaiso St., Westville, IN.

Charles Russell stated his address is 976 N. Forrester Rd, LaPorte, IN.

Curtis Szezesniak stated he will be leasing Charles Russel approximately a half (½) acre from the six (6) acres so he can put a used car lot in. He had previously sold land to the Dollar General and LaPorte Hospital. He would like to put in a small car lot.

Dwayne Hogan asked how many cars there would be in the lot.

Charles Russell stated about fifteen to twenty-five (15-25) cars.

Dwayne Hogan asked when the hours of operation would be.

Charles Russell stated ten to six (10am – 6pm) Monday through Friday and eight to three (8am – 3pm) Saturday. Closed on Sunday.

Dwayne Hogan asked if there would be a sign there.

Charles Russell stated the will have one on the trailer to start.

Dwayne Hogan asked if it will be a lit sign.

Charles Russell stated there would be no lights on it.

No remonstrators present.

Glen Minich stated he is concerned about the permanent placement of the trailer as it doesn't appear to fit the area aesthetically.

Earl Cunningham asked if he is concerned because it is a mobile trailer.

Glen Minich stated yes.

Earl Cunningham stated they could do placement like a home for three years. Permanent is a long time for a mobile home.

Curtis Szeziesniak stated they are planning to build him a building in the future.

Glen Minich stated that make sense, but it doesn't for them to grant permanent placement.

Dwayne Hogan stated to make a motion for a three (3) year placement of the office trailer.

Curtis Szeziesniak stated there is a mobile home park nearby.

Glen Minich stated they can be done well, but it is not normal for them to grant permanent placement for a mobile home.

Earl Cunningham stated they could ask for a renewal in three years as well.

Glen Minich made a motion to approve the Petition for Variance of Use and Special Exception for Curtis Szeziesniak (owner) and Charles W. Russell, Jr. (tenant) to operate a used car lot and to place an office trailer for three (3) years renewable on approximately one-half (½) acre. Hours of operation are ten to six (10am – 6pm) Monday through Friday and eight to three (8am – 3pm) Saturday. The property is located south of 3437 S. Hwy 421, Westville, IN., New Durham Twp., zoned B2 on 6.3263 acres.

Greg Szybala seconded.

All Approved. Motion carries 4-0.

5. Petition for Variance of Developmental Standards for Delores J. Welsh, Life Estate, represented by Dick Welch, Power of Attorney, for construction of a home on a parcel that does not have two hundred feet (200') of road frontage in a continuous line between side lot lines. The property is located between 2652 and 2744 W. 950 S., Union Mills, IN., Noble Twp., zoned A on 32.23 acres. Parcel 46-14-22-300-012.000-056.

WITHDRAWN

6. Petition for Variance of Use for Rupal Bhatt to operate the existing structure for packaging and liquid filling lines for consumer products including hand sanitizers, air fresheners, windshield washer solutions, and related products. The property is located at 9977 N. State Rd. 39, LaPorte, IN., Springfield Twp., zoned B3 on 4.72 acres. Parcel 46-02-14-200-023.006-062.

Steve Baum stated his address is 313 E. Lincolnway, LaPorte, IN. He is representing Rupal Bhatt.

Steve Baum stated Rupal Bhatt has an opportunity and believes there is a market for hand sanitizer at the present time. She is asking for a special exception so she can put in a small filling line in that existing structure. They are not asking to change the structure; it will remain as is. The traffic in the area will be substantially reduced. There were two to three hundred (200 – 300) cars a day when Mike Prascak owned the property. There will be about five to six (5 – 6) cars a day and a couple UPS or FedEx trucks. There will not be any noise issues as the equipment is small filling machines inside. They have taken down the previous advertising around the building. They want to use the existing structure for something more profitable than what it has been the last few years.

Attorney Biege asked if the use will be more of an M1 use.

Steve Baum stated yes.

Remonstrators:

Rick Slater stated his address is 1076 W. 1000 N., LaPorte, IN.

Rick Slater stated his is a neighbor on the corner of Old Buffalo Road and 1000 N. He has additional questions such as hours of operation. Will there be waste involved? Will be water involved in producing these items? Will any overflow go into the existing septic tank which is a mound system that was set up for a residential system? Where will unloading and loading be done as there isn't really a dock there? The property maintenance is very lacking. It was recently mowed, but the area needs to be maintained better and improved. If the products are alcohol based, could the alcohol be something that can leak out and cause a hazardous spill or can get into the ground water?

Bobbi Laughlin stated her address is 1122 W. 1000 N., LaPorte, IN.

Bobbi Laughlin stated her house is right behind the store and used to be apart of the store before it was split apart. She is concerned if there will be hazardous waste and spills. The property hasn't been maintained. Who will regulate the business and make sure they do what they are supposed to be doing? Is somebody going to check if there is a spill; will it be cleaned up properly? How many employees will there be? What type of products will there be? What will be the hours of operation? What kind of equipment and noise there will be? Will anybody be living there as there were some mattresses there when people were moving things?

Dwayne Hogan asked what the hours of operation are.

Steve Baum stated typically in a filling setting it could be a twenty-four (24) hour operation. It doesn't produce noise nor can you see light through any windows as there are no windows. With regards to traffic there will be a substantial reduction. There has been some activity recently because they were removing the shelving and former inventory that was in the building in hopes to have the building prepared to put in the new equipment. It is not a large manufacturing facility. It is slightly different than going to McDonald's and putting a cup under the electronic

filling machine. It is the equipment that was built by Elf. It is electronic filling equipment where containers go down the line and solutions are deposited in them.

Dwayne Hogan asked about the waste.

Steve Baum stated it is not the type of process that generates waste. It is nothing that would penetrate the ground water or into a septic.

Dwayne Hogan asked what would happen if it were to spill with the mound system instead of a septic.

Steve Baum stated he imagines there's a lot less use of the septic system when it would only be used by a couple employees as opposed to two hundred (200) shoppers on a daily basis. The operation is closely monitored but the Indiana Department of Environmental Management. The EPA has oversight as well. This is licenses and monitored. They make sure you are not careless. It is a water and alcohol solution; it is not a poisonous chemical.

Dwayne Hogan asked how they will be loading and unloading the trucks.

Steve Baum stated there is a driveway that goes back to an overhead door. They use a pallet jack to bring the materials to the back of the truck and a forklift to pick it up and take it inside of the building. There will not be any large amount of deliveries or shipments going out. They do not anticipate anymore than a couple of trucks a day and about two hundred (200) fewer cars per day.

Dwayne Hogan asked about the maintenance of the grounds.

Steve Baum stated Rupal Bhatt had bought the parcel recently and it had fallen into some disrepair previously. She has undertaken to clean the property up and already took down the surrounding advertising, awnings and removed dumpsters. She has every intention of maintaining it.

Dwayne Hogan asked if Hazmat would be required for anything.

Steve Baum stated no.

Dwayne Hogan asked how many employees there will be.

Steve Baum stated initially around four to five (4 – 5) people.

Dwayne Hogan asked if anybody will be living there.

Steve Baum stated no.

Greg Szybala asked when Rupal Bhatt bought the property.

Steve Baum stated he does not know.

Annemarie Polan stated September, 2016.

Glen Minich stated he would like to ascertain specific hours of operation. Do they know the pre-existing hours of operation for Mike's Country Store?

Steve Baum stated he believed it was open twenty-four (24) hours.

Greg Szybala stated it wasn't.

Steve Baum stated they would make due with whatever hours the Board felt comfortable with.

Earl Cunningham asked how far the facility is to Bobbi Laughlin's home.

Steve Baum stated it is a couple hundred feet.

Rick Slater stated the restrooms in the store were not open to the public. It was only for employees. The septic also lies closer to his property so if there are any issues, he is most likely the one to suffer from it.

Dwayne Hogan asked Glen Minich about hours of operation.

Glen Minich stated it is primarily a residential area so there should be some limitation. Somewhere close to what the stores hours are would be fine. They have to run at least a shift to be profitable or they won't operate there.

Earl Cunningham asked if he is suggesting an eight (8) hour closed shift overnight like from ten to six (10pm – 6am) or something to that affect.

Steve Baum stated that would be fine.

Glen Minich stated it has to work for both. They will need time for maintenance and clean up so they need ten hours at least, but not into the evening hours so late that it disrupts the neighborhood.

Dwayne Hogan asked Steve Baum what his suggestion for hours of operation are.

Steve Baum stated whatever the Board is comfortable with. Rupal Bhatt is just looking to put the property to some use rather than leave it vacant.

Dwayne Hogan asked Glen Minich what kind of hours would be appropriate for the neighborhood.

Glen Minich stated six to six (6am – 6pm) seems ok.

Steve Baum stated that would be more than adequate.

Glen Minich asked if they would want to operate on Sunday.

Earl Cunningham stated if we are going to cut his hours to twelve (12) hours then we have to allow Sunday for adequate work time. They are going to package product not really produce it.

Steve Baum stated they will be mixing water, a gelatin substance and alcohol. Then fill the container.

Earl Cunningham asked if he or his client has been to a similar facility and seen how quiet of an operation it is.

Steve Baum stated they have.

Earl Cunningham asked where the nearest facility doing this is located.

Steve Baum stated there is a facility in Kingsbury. It was much larger and still did not generate a lot of noise. This facility would not be heard from its own parking lot.

Annemarie Polan asked Steve Baum if they would prefer longer hours and closed on Sunday?

Steve Baum stated he thinks they would be ok operating six to six (6am – 6pm) and not have Sunday hours.

Bobbi Laughlin asked how flammable the material is. Alcohol is pretty flammable isn't it?

Steve Baum stated alcohol is flammable, but the building has a sprinkler system. There are adequate fire and smoke alarms.

Dwayne Hogan stated he's sure their insurance company will make sure the building has suppression.

Steve Baum stated exactly.

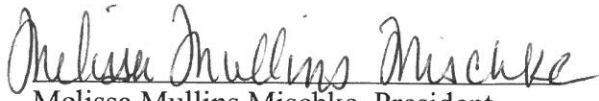
Glen Minich made a motion to approve the Petition for Variance of Use for Rupal Bhatt to operate the existing structure for packaging and liquid filling lines for consumer products including hand sanitizers, air fresheners, windshield washer solutions, and related products. Hour of Operations will be six to six (6am – 6pm) Monday-Saturday. IDEM inspections report must be supplied to the Building Commissioner's office. The property is located at 9977 N. State Rd. 39, LaPorte, IN., Springfield Twp., zoned B3 on 4.72 acres.

Earl Cunningham seconded.

Approved. Motion carries 3-1.

Dwayne Hogan asked if there is any further business before the Board this evening.

There being no further business, meeting adjourned at 6:42 p.m.


Melissa Mullins Mischke, President


Annemarie Polan, Recording Secretary